

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGIONAL

RESOLUTION NO.

WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

JAXON ENTERPRISES, INC.
LE GRAND AGGREGATE PROCESSING PLANT
MERCED COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds that:

1. Jaxon Enterprises, Inc. (hereafter Discharger) owns and operates a mining operation and aggregate processing plant (collectively hereafter Facility), and an onsite asphalt concrete plant. The asphalt concrete plant does not generate any waste streams.
2. The Facility is south and east of White Rock Road, about a quarter of a mile north of Le Grand Road and about four miles northeast of the unincorporated community of Le Grand. The Facility is in a portion of Section 11, T8S, R16E, MDB&M in southeast Merced County, as shown in [Attachment A](#), which is attached hereto and made part of this Order by reference.
3. The aggregate processing plant consists of screening, washing, and crushing operations, and a small office. Surface mining will be performed on approximately 304 acres in 20-acre increments in 13 Phases within Assessors Parcel Number (APN) 068-020-022. Mining will be limited to no more than three phases being active at any one time. Processed materials are sorted and stockpiled for use in the asphalt concrete plant or as product for local offsite construction projects or ready mix concrete plants.
4. The Discharger generates up to 240,000 gallons per day (gpd) of wash water from the aggregate processing plant, as shown in [Attachment B](#), which is attached hereto and made part of this Order by reference. Water used during aggregate washing and screening is from a blend of an on-site well, perched groundwater surfacing in mined areas north and southwest of the property, and seasonal precipitation collected in those mined areas. The wash water is passed through a sand screw to remove clay and sand sediments and then flows into two settling ponds (Pond 1 and Pond 2) and one or more Fresh/Recycled Water Ponds where well water and perched groundwater are combined with it. No chemical additives are used in the mining or aggregate processing operations.
5. Pond 1 is an excavated pond with earthen berms around it. The pond is periodically cleaned out by an excavator to maintain its capacity. The removed spoils are incorporated into the products sent off site, used as soil in mine reclamation, or used as berms around settling ponds. Pond 2 is an elevated pond constructed on native ground with earthen berms around it and is maintained similar to Pond 1; however, Pond 2 can be

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expanded to the east and south since there are 100 acres of land available on the property in that direction.

6. The Discharger collected several samples of wastewater for laboratory analysis. Minerals and total petroleum hydrocarbons as diesel (TPH-Diesel) analytical results are presented below:

<u>Constituent</u>	<u>Units</u>	Pond 1 ¹ <u>Quality</u>
Sodium	mg/L	52.3
Chloride	mg/L	16.7
Conductivity @ 25°C (EC)	µS/cm	357
Sulfate	mg/L	41.3
Nitrate (as NO ₃)	mg/L	1.8
Total dissolved solids (TDS)	mg/L	263
pH	su	8.1
TPH-Diesel	ug/L	<50

1. Analysis results for average of three water samples taken during August and September of 2004.

7. Local exploratory boreholes and well logs indicate a discontinuous perched upper aquifer within a few feet of the surface during the wet season. This perched groundwater accumulates seasonally in existing excavation sites. The local perched groundwater generally follows the site topography in a southwesterly direction. A deeper confined aquifer was encountered between 215 and 217 feet below ground surface. This aquifer is hydraulically isolated from shallow perched groundwater by a thick clay layer.
8. The Discharger collected several samples of its source water and of perched groundwater surfacing in older excavations. Analytical results are presented below:

<u>Constituent/Parameter</u>	<u>Units</u>	Source	North Perched	Central
		<u>Water Well¹</u>	<u>Groundwater</u> <u>Pond²</u>	<u>Perched</u> <u>Groundwater</u> <u>Pond²</u>
Sodium	mg/L	28	22.3	33.7
Chloride	mg/L	10	9.3	14.3
Conductivity @ 25°C (EC)	µS/cm	310	310	333
Sulfate	mg/L	27	12.7	14.7
Nitrate-nitrate	mg/L	3	<1	<1
Total dissolved solids (TDS)	mg/L	250	193	217
pH	su	7.9	8.8	9.0
TPH-Diesel	µg/L	<50	<50, <50, 210	<50, <50, 210

1. Source water well southwest of property.

2. Analysis results for average of three water samples taken during August and September of 2004.

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9. On 6 April 2007, the Discharger re-sampled its wash water, source water, and perched groundwater water for analysis of dissolved metals and general minerals. The results confirm that all constituents of concern in the discharge are below water quality objectives and consistent with underlying groundwater quality. Therefore, the discharge of aggregate wash water from the Facility is of low threat.
10. Domestic waste is collected in a septic/leachfield system onsite near the office and regulated by the County of Merced. Three portable toilets are onsite and maintained by a contract waste company.
11. Diesel fuel used at the Facility is stored in a 10,000 gallon aboveground tank and secondarily contained by a concrete berm. The tank is registered with the State Water Board's Aboveground Tank Program.
12. Final mine reclamation will be to grazing land with five seasonal stockpounds throughout the property. These areas will be re-vegetated to be similar to areas around existing vernal pools or to natural ponds. Mine reclamation will be concurrent with operations. The final phase of mine reclamation will occur within three years of termination of mining. The specifics are included in the Reclamation Plan on file with the County of Merced.
13. The Flood Insurance Rate Map from the Federal Emergency Management Agency shows that the Facility including settling ponds is located outside the 100-year flood plain.
14. Average annual precipitation is 12.3 inches and the annual precipitation event with a 100-year return period is 21.95 inches based on California Department of Water Resources Bulletin No. 195 dated October 1976 for the Le Grand Station.
15. Average pan evaporation based on a two-station interpolation from Merced and Raymond is 69 inches per month, with the lowest monthly rate of 1.2 inches occurring in December and January and highest monthly rate of 12 inches occurring in July based on California Department of Water Resources Bulletin No. 73-79 dated November 1979.
16. The Discharger operates a small gold extraction facility south of Pond 1 where gold from the washed sand is separated. Every two weeks 500 gallons of well water is used to wash heavy sand from wet screens and to extract gold. No chemical are used for recovery of gold.
17. The Discharger retains storm water runoff from the eastern part of the Facility on site, where it is collected through a ditch system and discharged to Pond 1. The Facility has a storm water pollution prevention plan. If in the future the Discharger does not retain all storm water on site, it will be required to submit a Notice of Intent (NOI) for coverage under Order No. 97-03 DWQ (General Permit No. CAS000001) specifying waste

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discharge requirements for discharges of storm water associated with industrial activities, including aggregate mining, and requiring submittal of an NOI by all affected industrial dischargers.

CEQA

18. The County of Merced certified an environmental impact report (EIR) on 21 December 2004 in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et, seq.) and the State CEQA guidelines (Title 14, Division 6, California Code of Regulations, as amended).
19. The Regional Water Board, as a responsible agency under CEQA, has reviewed the final EIR for the project relative to impacts to groundwater quality and concurs that the treatment and control practices discussed in the EIR will mitigate the project's potential groundwater impacts.

DETERMINATION

20. California Water Code Section 13269(a) provides that the Regional Water Board may waive WDRs for a specific discharge if it determines the waiver is consistent with any applicable water quality control plan and is in the public interest. Section 13269 further provides that any such waiver of WDRs shall be conditional, must include monitoring requirements unless waived, may not exceed five years in duration, and may be terminated at any time by the Regional Water Board.
21. Waiving requirements for the Jaxon Enterprises, Inc. Le Grand Asphalt Processing Plant is in the public interest because: this Waiver includes conditions that are intended to reduce and prevent pollution and nuisance and protect beneficial uses of the waters of the State; and it provides for an efficient and effective use of limited Regional Water Board resources.
22. The Discharger and interested agencies and persons have been notified by the Regional Water Board of its intent to waive waste discharge requirements for this discharge, and they have been provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
23. All comments pertaining to this waiver were heard and considered in a public meeting on (21 or 22) June 2007.

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THEREFORE BE IT RESOLVED that the Regional Water Board, based upon the findings set forth above, hereby waives waste discharge requirements for the above described discharge at the Le Grand Aggregate Processing Plant, conditional upon meeting the prohibitions and conditions set forth below:

A. Prohibitions:

1. The discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. The discharge of domestic waste, asphaltic concrete, asphaltic concrete waste or petroleum products to any pond or to land is prohibited.
3. Discharge of waste classified as 'hazardous', as defined in Section 2521(a) of Title 23, California Code of Regulations, Section 2510 et seq., is prohibited. Discharge of waste classified as 'designated,' as defined in California Water Code Section 13173 is prohibited.
4. Use of chemical gold recovery techniques (including amalgamation, cyanide leaching, or any other chemical method) is prohibited.
5. The addition of chemicals to the aggregate or gravel processing operation is prohibited.

B. Conditions:

1. The discharge shall not degrade groundwater or any water supply, and shall not create pollution or nuisance as defined in the California Water Code.
2. The discharge shall remain within the boundaries of the site, outside the 100-year flood plain.
3. Ponds shall be managed to prevent breeding of mosquitoes. In particular,
 - a. An erosion control plan should assure that coves and irregularities are not created around the perimeter of the water surface.
 - b. Weeds shall be minimized through control of water depth, harvesting, and herbicides.
 - c. Dead algae, vegetation and other debris shall not accumulate on the water surface.

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- d. Vegetation management operations in areas in which nesting birds have been observed shall be carried out either before or after, but **not during**, the **April 1 to June 30** bird nesting season.

C. Reporting Requirements:

1. By **1 October 2007**, the Discharger shall submit an Operations and Maintenance Plan, including weed abatement and vector control measures, and a berm inspection and maintenance program. This plan shall describe procedures that will be implemented in the event of an unauthorized discharge to surface water or a surface water drainage course.
2. The Discharger shall submit by **1 March** of each year a report for the previous calendar year containing the following:
 - a. The names, titles, and general responsibilities of persons operating and maintaining the aggregate processing and asphalt plant.
 - b. The names and telephone numbers of persons to contact regarding aggregate processing and asphalt plant operation for emergency and routine situations.
 - c. Chemical analyses of the discharge, source water, and perched groundwater (i.e., three samples). The analyses shall include arsenic, iron, manganese, and general minerals (alkalinity, bicarbonate, calcium, carbonate, chloride, hardness, magnesium, pH potassium, sodium, specific electrical conductivity, sulfate, and total dissolved solids).

B. Provisions:

1. The Discharger shall maintain a copy of this Resolution at the Facility, for reference by operating personnel. Key operating and site management personnel must be familiar with its contents.
2. The Discharger shall permit Regional Water Board representatives to: (a) enter premises where wastes are stored or disposed of, (b) copy any records required to be kept under the terms of this Resolution, (c) inspect any monitoring equipment required by this Resolution, and (d) sample, photograph, and video tape any discharge, waste management unit, or monitoring device.

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3. In the event of any change in control or ownership of the Facility, the Discharger shall notify the succeeding owner or operator of the existence of this Waiver by letter, a copy of which shall be immediately forwarded to the appropriate Regional Water Board office (currently, the Fresno office).
4. This Waiver expires on 1 June 2012. **By 11 January 2012**, the Discharger shall submit a report of waste discharge requesting review and renewal of the Waiver or adoption of waste discharge requirements.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

HA/DKP 20 April 2007